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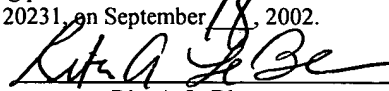
ATTORNEY'S DOCKET NO: D0188/7125

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cherok, et al
Application No.: 09/661,623
Confirmation No.: 8712
Filed: September 14, 2000
For: IMPLANTABLE PROSTHESIS
Examiner: W. Matthews
Art Unit: 3738

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on September 18, 2002.


Rita A. LeBlanc

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231-

Sir:

Transmitted herewith are the following documents:

1. Information Disclosure Statement;
2. Cited References; and
3. Return Receipt Postcard.

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OCT 03 2002

TECHNOLOGY CENTER R3700

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A check in the amount of \$180 is enclosed to cover the fee as set forth in 37 C.F.R. §1.17(p). If the fee is insufficient, the balance may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Cherok et al, Applicants


James M. Hanifin, Jr., Reg. No. 39,213
WOLF, GREENFIELD & SACKS, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210
Tel. (617) 720-3500

Date: September 18, 2002
xNDD



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Rita A. LeBlanc

Commissioner for Patents
Washington, D.C. 20231

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application. The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

PART II: Information Cited

The Applicants hereby make of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

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The Applicants acknowledge that C.R. Bard has been manufacturing and selling a device under the tradename 3D Max™. A copy of the webpage www.davol.com/max.htm is enclosed for consideration. The 3D Max™ device has been commercially available since before the filing date of this application.

Part III Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.


By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Cherok et al, Applicants


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